

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Dennis A. Smith

v.

Civil No. 05-cv-374-JD

NH State Prison, Warden, et al.

ORDER

Re: Document No. 35, Motion for Subpoena for Jane Coplan to testify at a deposition and any hearing on injunctive relief

Ruling: Granted. Plaintiff may be issued a subpoena for a deposition but plaintiff must pay for the cost of service and for the cost of a court reporter. Pro se plaintiffs, other than in habeas cases, do not get either service free nor at defendant's cost. Defendant has agreed to produce Warden Coplan at the preliminary injunction hearing and will do so. Defendant is advised that if they can not get Texas to permit plaintiff to appear at that hearing by videoconferencing defendant will be required to transport him here for the hearing. We may not have jurisdiction over Texas prison authorities but we do have jurisdiction over defendant and we are not going to have matters in this court thwarted by Texas regulations.

/s/ James R. Muirhead
James R. Muirhead
U.S. Magistrate Judge

Date: September 8, 2006

cc: Dennis Smith, pro se
Andrew Livernois, Esq.